

REMARKS

Claims 1-30 and 35-41 have been cancelled, without prejudice. Claims 31, 33 and 34 have been amended herein. Claims 42-45 have been added. Thus, claims 31-34 and 42-45 are currently pending.

The Office Action mailed January 31, 2002 has been carefully reviewed. Reconsideration of the grounds of rejection is respectfully requested in view of the amendments and remarks herein.

Summary of the Office Action

References to paragraphs in the subject office action are referred to herein in parentheses identifying the appropriate paragraph, e.g. (para. x).

The drawings stand objected to under 37 CFR 1.84(p)(4) for the multiple use of the reference character "112" (para. 1) and the multiple use of the reference character "110" (para. 2).

Claims 1-41 stand objected to or rejected in various combinations over various cited art. For purposes of brevity and without prejudice, applicants do not at this time address the objections and rejections relating to the cancelled claims, but address herewith only those objections and rejections relating to the pending claims.

More specifically, claims 31 and 34 stand rejected under 35 U.S.C. 103(a) as unpatentable over Jermyn (US 6,026,370) in view of Angles et al. (US 5,933,811) and further in view of Franklin et al. (US 6,125,352) (para. 24). Claim 32 stands rejected under 35 U.S.C. 103(a) as unpatentable over Jermyn (US 6,026,370) in view of Angles et al. (US 5,933,811) and further in view of Franklin et al. (US 6,125,352) as applied to

claim 31 above, and further in view of Boe et al. (US 6,236,975) (para. 25). Claim 33 stands rejected under 35 U.S.C. 103(a) as unpatentable over Jermyn (US 6,026,370) in view of Angles et al. (US 5,933,811) and further in view of Franklin et al. (US 6,125,352) as applied to claim 31 above, and further in view of Povilus (US 5,740,425) (para. 26).

Response to the Drawings Objections

Applicants have reviewed the Examiner's indication of drawing figure errors (paras. 2 & 3) and determined that such errors were in fact due to typographical errors in the specification and not labeling errors in the drawing figures. The specification has been amended to correct these errors.

More specifically, page 13, line 1 has been amended to delete reference character "112" and correctly recite the server as referring to "...111a, 111b (Fig. 2A)..." The specification and the drawing figure (Fig. 2B) are now consistent.

Similarly, page 14, line 19 has been amended to delete the reference to "agent 10" and correctly recite the reference as to "...secondary merchant 110..." The specification and the drawing figures (Figs. 2A & 2B) are now consistent.

Status of Claims 1-30 and 35-41

These claims have been cancelled without prejudice and the outstanding objections and rejections are thus moot.

Status of Claims 31-34 and 42-45

As amended, claim 31 is directed to the online provision of a customer incentive for the completion of a sales transaction with a first merchant. If the customer completes the sales transaction, a reason code and customer identifier are transmitted to a second

merchant, the reason code including information relating to the customer and to the incentive, whereupon the second merchant displays, according to data associated with the reason code, an offer at an electronic address still connected to by the customer. If the customer accepts the offer, the second merchant communicates electronically to the first merchant a customer identifier, whereby to receive customer payment information for processing by the second merchant. No new matter has been added.

Claims 32-34 depend from claim 31 and have been amended to make them consistent with amended claim 31. No new matter has been added.

New claims 42-45 are analogous to claims 31-34 excepting that the new claims are in means plus function format. All discussion with respect to claims 31-34 below applies to new claims 42-45.

The Examiner's comments have been carefully considered but are submitted to be moot in view of applicants' amendments. None of the references, alone or in combination, show or suggest the now-claimed invention including direct interaction between two merchants in real-time with an online customer, whereby the second merchant makes an offer and fulfills a purchase based on information provided by the first merchant relating to a sales transaction between that first merchant and the customer.

With respect to the references cited by the Examiner, Jermyn shows an offline mail marketing system including the creation of a long-term consumer purchase history and subsequent development of mail-based incentives, based on that history, the incentives sent to the consumer. Jermyn does not teach any type of online marketing, nor does Jermyn show the consummation of a sales transaction. The Jermyn system does not work real-time.

Angeles et al. shows a system for delivering consumer-requested, customized advertisements over the Internet. Ads are selected based on a consumer profile. Consumer, content and Internet provider accounts are credited each time an ad is delivered.

The Examiner cites Angeles et al. (para. 24) as showing at col. 5, lines 30-32, the display of an offer relating to a reason code. However, Angeles et al. shows the provision of an advertisement, not an offer as claimed by Applicants. Further, Angeles et al.'s

display of an ad is not responsive to a sales transaction with a first merchant as claimed by Applicants.

The Examiner (para. 24) cites Angles et al. as showing an acceptance of an offer from a customer (col. 20, lines 2-5). However, Angles et al. with reference to Fig. 7 shows only a customer request for additional advertising, not a consummation of a sales transaction as claimed.

Franklin et al. shows a consumer-based shopping client running on a consumer computer in cooperation with a web browser. Franklin et al. enables a consumer to store data locally, compare products and execute a purchase using the local client. Franklin et al. does not teach incentive marketing nor third party marketing and fulfillment based on a purchase from a first merchant.

The Examiner (para. 24) cites Franklin et al. as teaching receiving customer payment information from the merchant (col. 28, lines 22-32). However, Franklin et al. does not teach the provision of customer payment information from a first merchant to a second merchant as claimed by applicant and certainly does not show or suggest the provision of customer payment information between merchants responsive to an acceptance of an offer by the customer and a resulting provision of the customer identifier to another merchant.

Applicants have considered the remaining references and do not believe they are applicable to the claims as amended.

Claims 32-34 are submitted to be patentable as dependent from amended independent claim 31.

New claims 42-45 are submitted to be patentable for the same reasons as claims 31-34 above.

With respect to the rejection of claims 31-34, the Examiner has made numerous assertions regarding the obviousness of combining references and the status of 'notorious' knowledge in the art (paras. 24, 25 & 26). Applicants respectfully traverse these assertions but believe that they are moot in view of the amendments.

CONCLUSION

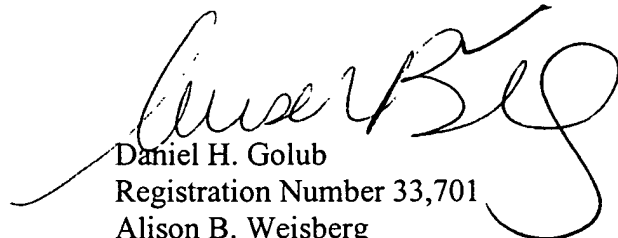
In view of the foregoing, it respectfully submitted that the drawing objections are moot and that all pending claims are in condition for allowance. Applicants respectfully request the withdrawal of the objection to the drawings, the withdrawal of the 35 U.S.C. 103(a) rejections to the claims and the and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310.

The Examiner is invited to contact the undersigned at 215-963-5091 to discuss any matter concerning this application.

Respectfully submitted,

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Version With Markings To Show Changes Made To Specification

Page 13, first full paragraph:

A secondary merchant 110 preferably also comprises a server ~~[112]~~ 111a, 111b (Fig. 2A) or a processor-based system. As shown, the secondary merchant 110 system includes processing power in the form of at least one Central Processing Unit (CPU) 230, Random Access Memory (RAM) 240, Read-Only Memory (ROM) 245, large capacity secondary storage 250, such as a disk array, and a communication interface device 255 for communicating via the internet according to known techniques. The secondary merchant CPU 230 interacts with RAM 240, ROM 245, and large capacity secondary storage 250, to execute stored program code according to conventional data processing techniques to carry out the functions and acts described in connection with the secondary merchant 110.

Page 14, last full paragraph:

Payment clearinghouse 140 receives and validates customer payment when sent by a merchant. Clearinghouse 140 preferably comprises a credit card clearinghouse capable of verifying credit card status, and appropriately charging and refunding amounts to credit cards. Clearinghouse 140 receives the credit card information from secondary merchant 110 following a transaction or as part of a batch submission and transmits its response through secure transmission lines. In alternative configurations, clearinghouse 140 could authenticate charges and refunds for bank accounts, stored value cards or modules, or on-line wallet. Data communicated between ~~[agent]~~ secondary merchant 110 and clearinghouse 140 is preferably encrypted using conventional encryption techniques to ensure that third parties cannot misappropriate transmitted information.

Version With Markings To Show Changes Made To Claims

31. (Amended) A method of ~~[targeting offers]~~ facilitating online transactions based upon interactions between customers and merchants, comprising:

providing by a first merchant online to a customer an incentive for completing a sales transaction with the first merchant;

~~[receiving]~~ transmitting a reason code and a customer identifier from [a] the first merchant to a second merchant indicating that [a] the customer has completed [an] the [interaction] sales transaction with the first merchant [within a specified classification], the reason code including an electronic address for communicating with the customer and information relating to the customer and to the incentive;

displaying, by the second merchant using the electronic address, an offer to the customer, graphically on-line, the offer selected according to data associated with the reason code, the offer displayed while the customer is still connected to the first merchant;

receiving online by the second merchant an acceptance of the offer from the customer;

establishing by the second merchant [a secure] an electronic communication connection with the first merchant;

sending from the second merchant to the first merchant the customer identifier [to the merchant];

~~[receiving]~~ sending, from the first merchant to the second merchant responsive to the customer identifier, customer payment information [from the merchant]; and

processing by the second merchant the acceptance using the customer payment information.

33. (Amended) The method of claim 31 further comprising:
receiving by the second merchant SKU information from the first merchant; and
the second merchant assembling the offer based upon the SKU information.

34. (Amended) The method of claim ~~31~~ 33 further comprising:
receiving by the second merchant prioritization information from the first
merchant for a compound purchase; and
the second merchant assembling offer components according to the prioritization
information.